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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,836	01/05/2004	Steve Corbin	2916-003	6794

7590 02/04/2005

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EXAMINER

GRAHAM, MARK S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,836

Applicant(s)

CORBIN ET AL.

Examiner

Mark S. Graham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 8-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election without traverse of the species 1 (Fig. 2 embodiment) in the 12/22/04 paper is acknowledged.

Claims 8-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the 12/22/04 paper.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Johnston, Jr. (Johnson).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of O'Herron. Johnston discloses the claimed device with the exception of the temporarily affixing stakes. However, such are known in the art as disclosed by O'Herron. It would have been obvious to one of ordinary skill in the art to have used such with Johnston's device as well to anchor it to the ground. Regarding claims 6 and 7, note O'Herron's lugs/eyelets 49.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 4 above, and further in view of Angell. Claim 5 is obviated for the reasons explained in the claim 4 rejection with the exception of the coding. However, as disclosed by Angell it is known in the art to code the stakes with flags B. It would have been obvious to one of ordinary skill in the art to have used such with the Johnston/O'Herron devices for the reasons expressed by Angell. What the coding is actually used for it is not at issue in the instant article claims.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaccaro, Jr. (Vaccaro) in view of O'Herron and Carter.

Vaccaro discloses the claimed set with the exception of the helical loop and curve to bank ball. However, such obstacles are also known in the art as typified by Carter and O'Herron respectively. It would have been obvious to one of ordinary skill in the art to have included such on Vaccaro's ramps along with the included tunnel 21, to add further interest to the game. What the game was actually used for (croquet or golf) is not at issue in the instant article claims.

Regarding claims 28 and 29, Vaccaro does not disclose the securing devices. However, such are known in the art as disclosed by O'Herron. It would have been obvious to one of ordinary skill in the art to have used such with Vaccaro's device as well to anchor it to the ground.

Lagaard, Crandall, Hokin, Shannon, and Larsen have been cited for interest because they disclose similar devices.

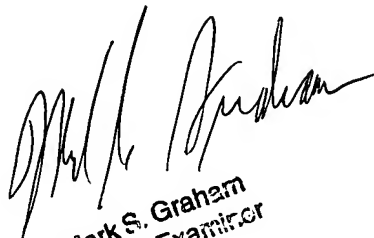
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Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
1/28/05



Mark S. Graham
Primary Examiner